

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>J. P. a minor child and all others similarly situated, <i>et al.</i>,</b>	:	
	:	
	:	
<b>Plaintiffs,</b>	:	<b>CASE NO. 2:04-cv-692</b>
	:	
<b>v.</b>	:	<b>JUDGE MARBLEY</b>
	:	
<b>BOB TAFT, <i>et al.</i>,</b>	:	
	:	
<b>Defendants.</b>	:	

**DEFENDANT DYS' RESPONSE TO THE MONITOR'S FOURTH REPORT ON  
THE LEGAL ASSISTANCE PROGRAM**

The Monitor issued his Fourth Report on the Legal Assistance Program ("LAP") on April 30, 2010, (*Doc. 262, "Fourth Report"*). The Court ordered the parties to respond or object to this report by June 1, 2010, (*Doc. 249, Order*). DYS responds by indicating that the report demonstrates that there are no current or on-going constitutional violations.<sup>1</sup> DYS has no objections to the Fourth Report and respectfully requests that the Court adopt it.

DYS has been undergoing monumental change as a result of its cooperative approach in addressing global systemic issues in the *S.H. v. Stickrath* case. These system changes have had a positive impact on the more narrow issues raised in this case. Since the Monitor's Third Report, (*Doc. 248*), DYS has closed another institution, Mohican Juvenile Correctional Institution, and its population continues to decrease. Consequently,

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<sup>1</sup> The "Stipulation of Settlement" (*Doc. 178-1*) was filed on 1/5/07. DYS believes that further monitoring is not necessary and will seek to terminate the Consent Decree.

in addition to the reasons cited by the Monitor, DYS agrees with the Monitor's conclusion regarding face-to-face contacts between youth and the LAP Counsel.<sup>2</sup>

Respectfully submitted,

RICHARD CORDRAY  
Ohio Attorney General

/s/ Richard Cholar, Jr.  
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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing, *Defendant DYS' Response to the Monitor's Fourth Report on the Legal Assistance Program*, was filed electronically on June 1, 2010. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Richard Cholar, Jr.  
RICHARD CHOLAR, JR. (0060062)  
Assistant Attorney General

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<sup>2</sup> The Monitor's conclusion, in this regard, is also consistent with the contract requirements of the LAP provider which states, in part, "[a]t minimum, the legal service provider shall make an in-person visit to each DYS institution...at least every three months and at least monthly to institutions where the volume of request from youth warrants such frequency and/or where the nature of some of the complaints or the conditions at the institution suggest a need for more frequent in-person interviews." The LAP provider previously agreed to this approach. *See Monitor's Second Report (Doc. 240, p. 10).*